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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,055	10/11/2001	Takeshi Shimizu	028918.01	7629

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 12/11/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,055

Applicant(s)

SHIMIZU ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: amendment filed 8/21/03 to the application filed on 10/11/01 which is a continuation of the application 08/938,973 filed on 9/26/97, now US Pat No. 6,374,271.
2. Claims 1 and 6 are canceled.
3. Claims 2-5, 7-14 are pending in the case. Claims 2, 7, 10, 13 are the independent claims.
4. The rejection of claim 1 under 35 U.S.C. 103 (a) as being unpatentable over Tyler has been withdrawn in view of the cancellation of claim 1.
5. The rejection of claim 6 under 35 U.S.C. 102 (e) as being unpatentable over Tyler has been withdrawn in view of the cancellation of claim 6.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 10-12 remain rejected under 35 U.S.C. 102(e) as being anticipated by Tyler, Microsoft FrontPage 97, Sanms.net Publishing 1/17/97, pages 3-29.

Regarding independent claim 10, Tyler discloses:

- storing data in a memory (page 18, figure 1.13: the list of data files for importing to wizards indicates that these data files are stored in a memory)
- receiving an input through a user interface (page 18, figure 1.13; user input by selecting a file for import through the interface)
- a goal outline comprising organization of document information content (page 7, figure 1.3: organization of the information for creating a Website)
- a presentation outline comprises appearance characteristics of the document (page 11, figure 1.6: the templates and wizards are provided for selecting a type of Web pages)
- linking the goal outline and the presentation outline to create a document based on user inputs and data stored in the memory to at least partially author the document (page 17, figure 1.11: using the import web wizard to import existing Web content into a FrontPage web where the wizard is selected for creating a website and corresponding to the organization of the information of the website; page 18, figure 1.13: user selects the files, stored in the memory, to import to the

template for creating a website; the feature of creating websites indicates the capability of authoring web documents)

- receiving external information by the controller (page 18: user's selection for an import file is an input received through the user interface)
- generating a data file based on the external information (page 16: the fact that a user can import data files from a local area or a network suggests generating a data file based on the external information since the data files *from a network* are considered as the external information; since a data file is where to store data such as text, graphics, audio, video..., a data file from a network is considered as a card based on the external information as claimed)
- storing the card as data in the memory (pages 18-19: the files after being imported are stored in the folders included in the Folder View)

Regarding claims 11 and 12, which are dependent on claim 10, Tyler discloses that:

- the step of generating an imported card accepts the external information already in a desired card structure as the imported card (pages 18-19: the files imported are stored in the folders for creating the website shows that the data files use the external information as imported)
- the step of generating an imported card translates the external information into a desired card structure (page 20: the Rename command for renaming the selected page or content suggests translating the import files in stored the folders into a desired format)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 13-14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler, Microsoft FrontPage 97, Sams.net Publishing 1/17/97, pages 3-29 in view of Brewer et al. (US Pat No. 5,347,628, 9/13/94).

Regarding independent claim 13, Tyler discloses:

- receiving inputs through a user interface (page 11: user input by selecting a type for generating a website; page 18, figure 1.13; user input by selecting a file for import through the interface)

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- a goal outline comprising organization of document information content (page 7, figure 1.3: organization of the information in a Website)
- a presentation outline comprises appearance characteristics of the document (page 11, figure 1.6: the templates and wizards are provided for selecting a type of Web pages for creating)
- linking the goal outline comprising organization of document information content to a presentation outline to create a document based on user inputs (page 17, figure 1.11: using the import web wizard to import *existing Web content* into a FrontPage web where the wizard is selected for creating a website and corresponding to the organization of the information of the website; page 18, figure 1.13: user selects the files, stored in the memory, that will be imported to the template for creating a web page)

Tyler does not disclose displaying on the display device a meta-level display of the goals outline and the presentation outline.

Brewer discloses displaying on the display device a meta-level GUI of an office (figures 2-3: meta-level display – office-desk-drawer-files). Brewer also discloses organization of document information content to a presentation outline based on the input and the data (figures 2-3 and col 3, line 62 to col 4, line 20: the drawer 17 with stored files 35 therein shows the organization of the information content, the calendar 23 is the presentation outline, and the grabbing operation on the stored files shows the command input and the data).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Brewer into Tyler since Brewer teaches the benefit by providing a meta-level GUI of an office-- office-desk-drawer-files – as a metaphor to easily visualize the linking of the goals outline and the presentation outline based on the input and the data in Tyler.

Regarding claim 14, Tyler does not disclose that the meta-level display is one of a kitchen image, an office image and a studio image. Brewer discloses that the meta-level display is an office image (figure 2, this is an office image includes a meta-level display of an office-desk-drawer-files display).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Brewer into Tyler for obtaining a meta-level display which is formed by a linking of the organization of the content and the presentation of the content based on the input through a user interface.

Response to Arguments

11. Applicant's arguments filed 8/21/03 have been fully considered but they are not persuasive.

Regarding claims 10-12, Applicants argue that Tyler does not disclose generating a card based on external information but only storing external data, retrieving and including the external data in a web page. Applicants further argue that the "Rename"

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command (pages 19-20) has nothing to do with translating external information into a desired card structure (Remarks, pages 5-6).

Examiner agrees that the "Rename" command (pages 19-20) has nothing to do with translating external information into a desired card structure. However, Tyler also discloses that files in the Content section can be sorted by filename, file title, size type, modified date, the name of the person who modified the page (page 20). This shows that modification feature is applied on the files in the Content section where the files are imported from a local area or a network. As agreed by Applicants, these files are external information (Remarks, page 5). This also shows that the imported files are translated by being modified before being stored as files in the Content section. In other words, generating a card (equivalent to translating an imported file to a local file containing hypermedia information that makes up the document) based on external information is performed.

Regarding claims 13-14, Applicants argue that Tyler and Brewer fail to disclose a meta-level display of a goals outline and/or a presentation outline and the combination of the two references is not proper.

Examiner agrees that Tyler fails to disclose a meta-level display of the goal outline and the presentation outline. However, Tyler does disclose and suggest the goal outline, the presentation outline as well as linking the goal outline and the presentation outline (pages 7, 11, 17, 18, and as mentioned in the claim rejections).

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Brewer, in combination with Tyler, discloses displaying on the display device a meta-level GUI of an office (figures 2-3: meta-level display – office-desk-drawer-files). Brewer also discloses organization of document information content to a presentation outline based on the input and the data (figures 2-3 and col 3, line 62 to col 4, line 20: the drawer 17 with stored files 35 therein shows the organization of the information content, the calendar 23 is the presentation outline, and the grabbing operation on the stored files shows the command input and the data).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Brewer into Tyler since Brewer teaches the benefit by providing a meta-level GUI of an office-- office-desk-drawer-files – as a metaphor to easily visualize the linking of the goals outline and the presentation outline based on the input and the data in Tyler.

Allowable Subject Matter

12. Claims 2-5, 7-9 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: a document authoring device comprises a controller coupled to the user interface that displays a goals outline display on the display device of the user interface and generates the goals outline based on the input that relates to the goals outline display, was not disclosed by the prior art or record, and would not have been obvious to a person of ordinary skill at the time of the invention in view of the prior art of record.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

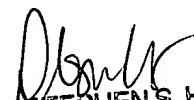
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
12/10/03


STEPHEN S. HONG
PRIMARY EXAMINER